

LAWRENCE HAMPTON, #197002, )  
 )  
 Plaintiff, )  
 )  
 v. ) CASE NO. 2:16-CV-973-WKW  
 ) (WO)  
 )  
 CAPT. BALDWIN, et al., )  
 )  
 Defendants. )

## I. INTRODUCTION

Upon consideration of Hampton's motion to dismiss, the court concludes that this motion is due to be granted. Furthermore, since Edwards has filed no responsive pleading addressing the claims presented against him, the court finds that these claims are due to be dismissed without prejudice on motion of the plaintiff. *See* Rule 41(a)(1), Fed. R. Civ. P.

1. The plaintiff's motion to dismiss be GRANTED.
2. The plaintiff's claims against Terry Edwards be DISMISSED without prejudice.
3. Terry Edwards be DISMISSED as party to this cause of action.

4. This case be referred back to the undersigned Magistrate Judge for further appropriate proceedings against the remaining defendants.

On or before **April 20, 2018** the parties may file objections to the Recommendation. The parties must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered.

Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar a de novo determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the plaintiff to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11TH CIR. R. 3-1. *See Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

DONE this 6th day of April, 2018.

/s/ Wallace Capel, Jr.  
CHIEF UNITED STATES MAGISTRATE JUDGE